

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q60558

SUTO, AKIO

Appln. No.: 09/819,612

Group Art Unit: 2161

Confirmation No.: 4173

Examiner: Etienne Pierre LEROUX

Filed: March 29, 2001

For: DISTRIBUTED DATA PROCESSING SYSTEM AND METHOD OF PROCESSING
DATA IN DISTRIBUTED DATA PROCESSING SYSTEM

REPLY BRIEF UNDER 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated November 15, 2006, Appellant submits this Reply Brief in support of patentability of the claims. As January 15, 2007 was a federal holiday, this Reply Brief is timely filed.

The Examiner's Answer responds to the Appeal Brief dated June 23, 2006.

The Examiner's Answer maintains the basis of rejection previously set forth in the Final Office Action dated June 6, 2005 but elaborates on the ground of rejection in response to the Appeal Brief arguments. Appellant maintains that the claims are patentable for the reasons set forth in the prior Appeal Briefs and submits the following rebuttals in reply to the Examiner's statements beginning at page 14 of the Examiner's Answer.

As an initial matter, the Examiner refers to a single clause of claim 1 in the rebuttal. This clause recites the replication trigger generator. However, claim 1 recites both the generation of the trigger and also update of another server based on the trigger. The two relevant aspects of claim 1 for purposes of this discussion are set forth below:

(1) a replication trigger generator for generating a replication trigger based on the updating of said database by the distributed data processing process performed by said clients connected to one of the servers;

(2) an updating information transfer unit for transferring updating information of said database to another one of the servers based on said replication trigger.... (Emphasis added).

The Examiner's Answer focuses primarily, if not solely, on the recitation (1) set forth above without addressing any aspect of the updating of another server as described in recitation (2). Therefore, regardless of how broadly the Examiner is construing "trigger" or "replication", the record on appeal shows that the recitations in clause (2) have not been adequately addressed. For instance, it was previously submitted that Mayhead describes updates in an intra-server environment. In other words, the operations were within the context of updating a single server internally. See Appeal Brief (June 23, 2006) at pages 11-12. The file store primary 1 and backup 2 are served by an intra-server link. Col. 5, lines 2-6. The Examiner has not offered any rebuttal to this position, other than to suggest that the feature of "another server" is not claimed. However, it is clear that the feature is described in claim 1.

The Examiner relies on the client apparatus 50, the file store primary 1 and the file store back up 2 illustrated in Fig. 1 of Mayhead teach the features of claim 1. Examiner's Answer at page 15. However, because Fig. illustrates a single server (60), Fig. 1 does not address updates of "another server" as claimed. In similar regard, the Examiner's reliance on the disclosure at col. 2, lines 15-30 also cannot sustain the rejection. The system is described as having client systems and replicable components. It is noted that the replicable components of Mayhead include the file store, the checker and the logger. Col. 3, lines 5-7. The replication manager manages these replicable entities. Col. 3, lines 18-21. The replication manager itself cannot be replicated, thereby teaching only a single replication trigger generator. See col. 7, lines 12-13. The replication manager also manages entry and exit of nodes into the system. Col. 2, lines 29-31. The nodes are computers or other hardware elements. Col. 2, lines 65-67. It is significant to note that the replication manager does not manage the database items, such as items stored in the file store. The management of that database is not performed through a replication trigger as claimed.

The Examiner appears to be confusing management of the replicable components (e.g. the file store, the checker and the logger) with replication management of objects within the database. In this regard, it is significant to note that claim 1 describes database updated by the clients which is described by recitation (1) set forth above. Claim 1 also describes updating of the database of another server based on the replication trigger which is described by recitation (2) set forth above. Therefore, the replication is in connection with update data provided by a

client. By contrast, the replication in Mayhead stems from the addition of hardware components (nodes) added to a system and not the data provided by a client.

To the extent any database management is suggested in Mayhead, it is performed via the checker and not the replication manager. See col. 2, lines 55-58 and col. 6, lines 44-50. In particular, the checker operates on the retrieved signatures of stored data, but not the data itself. Col. 5, lines 60-64. The checker assists in data updates in relation to a single server using intra-server communication, which includes communication between primary and backup. Col. 6, lines 44-49.

The Examiner sets forth broad constructions of trigger and replication at pages 17-18 of the Examiner's Answer. Even assuming *arguendo* that these broad constructions are correct, nothing in Mayhead requires updating of the database to another server based on said replication trigger as claimed.

It is further emphasized that claim 1 describes that each server (of plural servers) will include the database memory, replication trigger generator, update transfer unit and archive memory. Because the replication manager of Mayhead is not replicable, there is only one such trigger generator in the system. Therefore, Mayhead discloses at most a single replication manager. By contrast, the plural server system of claim 1 requires plural trigger generators.

It is also noted that while the Examiner has relied upon a logger as providing an archive data memory, the logger of Mayhead is not for recovery of database data as described in the last wherein clause of the claim. Rather, the logger only updates the status of nodes as they enter or

exit the system. Col. 9, lines 62-64. Because updates of the database occur via the checker and not the logger, the logger cannot comprise the archive memory.

For all the above reasons, we would maintain that claim 1 is patentable and claim 7 is patentable for analogous reasons.

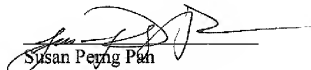
With further regard to the arguments for claim 19, claim 19 describes that update of the database occurs prior to the generation of the trigger. The Examiner cites col. 8, lines 23-45 of Mayhead to teach this feature. However, col. 8, lines 28-30 specifically states that the primary prepares for executing of a request. At that point, no update is performed. The replication manager (the purported trigger generator) then informs the logger and checker of a request. Col. 8, lines 31-35. It is only after the operations of the trigger manager (via the logger and checker) that the primary performs the update. Col. 8, lines 40-45. The Examiner's reliance on col. 8 actually supports reversal of the rejection of claim 19.

For the reasons set forth above and those reasons of record in this appeal, Appellant respectfully submits that the claims should be deemed allowable.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER


Susan Peing Puh
Registration No. 41,239

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